MT LEGISLATIVE HISTORY

Chapter 541 1977

Bill H ____ (S) 125 Original bill & hist. ___C

H. Committee on Business Industry

Hearing Date(s) April 01 ✓C
April 06 ✓C
_____ ___C
_____ ___C

Date Out _____ ___C

S. Committee on Judiciary

Hearing Date(s) Jan 22 ✓C
Feb 21 ✓C
Feb 24 ✓C
_____ ___C
_____ ___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

LC 0296/01

HB BILL NO. 125

INTRODUCED BY Waldron Ulle Courtney Gunderson Palmer Lynch Conroy Kerby Hirsch Fox Ellis

A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE GRACE PERIOD FOR THE REGISTRATION OF MOTOR VEHICLES FROM 10 TO 20 DAYS AND TO CHANGE THE FINE FOR FAILURE TO COMPLETE REGISTRATION DURING THE GRACE PERIOD FROM A GRADUATED SCALE TO A FIXED FINE OF $15; AMENDING SECTIONS 53-109, 53-109.1, 53-109.4, AND 53-147, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-109, R.C.M. 1947, is amended to read as follows:

"53-109. Transfer of title or interest. ~~(a)~~(1) Upon a transfer of any title or interest of an owner ~~or owner~~ in or to a motor vehicle registered under the provisions of this act as hereinbefore required, the person ~~or persons~~ whose title or interest is to be transferred shall write ~~their~~ his ~~signatures~~ signature with pen and ink upon the certificate of ownership issued for such vehicle~~,~~ in the appropriate space provided upon the reverse side of such certificate, and such signature shall be acknowledged before a notary public.

~~(b)~~(2) Within ~~ten (10)~~ 20 calendar days thereafter, the transferee shall forward both the certificate of ownership so endorsed and the certificate of registration, together with the information required under ~~section~~ 53-107, to the county treasurer, who shall forward the same to the registrar, and no certificate of ownership and certificate of registration ~~shall~~ may be issued by the registrar of motor vehicles until the outstanding certificates are surrendered to that office or their loss established to his reasonable satisfaction. Failure to make such application within the ~~time provided herein shall subject~~ 20-day grace period subjects the transferee to a penalty of ~~ten dollars ($10) plus one dollar ($1) for each additional day in which said vehicle remains unregistered, not to exceed twenty-five dollars ($25), said~~ $15. The penalty is to be collected by the county treasurer at the time of registration~~,~~ and is in addition to the fees otherwise provided by law.

~~(c)~~(3) In the event of a transfer by operation of law of any title or interest of an owner of the legal title or owner in and to a motor vehicle as upon inheritance, devise, or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in the performance of the terms of a lease or executory sales contract, or otherwise than by voluntary act of the person whose title or interest is so transferred, the executor, administrator, receiver, trustee, sheriff or other representative or successor in interest of the person whose title or interest is so

transferred shall forward to the registrar of motor vehicles an application for registration in the form required for an original application for registration, together with a verified or certified statement of the transfer of such title or interest which statement shall set forth the reason for such involuntary transfer, the title or interest so transferred, the name or names of the person or persons to whom such title or interest is to be transferred, the process of procedure effecting such transfer, and such other information as may be requested by the registrar and with such statement shall be furnished such evidence and instruments as may otherwise be required by law to effect a transfer of legal or equitable title to or an interest in chattels as may be required in such cases, and in the event the registrar shall be satisfied that such transfer is regular and that all formalities as required by law have been complied with, he shall cause to be sent to the owner, conditional sales vendors, lessors, mortgagees, and other lienors, as shown by his records notice of such intended transfer and thereafter, but not less than ~~five (5)~~ days thereafter, shall register such motor vehicle and shall issue a new certificate of ownership and certificate of registration to the person or persons entitled thereto. The notice herein required shall be deemed complied with by deposit in the post office in Deer Lodge, Montana, such

notice postage prepaid, addressed to such person or persons at the respective addresses shown on his records.

(4) When the vehicle title that is involuntarily transferred is not registered in this state the procedure set forth above must be followed in applying for a new certificate of ownership and certificate of registration, but the registrar need not send notice of intended transfer and shall issue a new certificate of ownership and a new certificate of registration to the person entitled thereto.

(5) In the event of the death of an owner of one or more motor vehicles and/or trailer, and/or semitrailer, and/or trailer-house registered hereunder and not exceeding the value of ~~four thousand dollars ($4,000)~~, without leaving other property necessitating the procuring of letters of administration or letters testamentary, then the surviving husband or wife, or other heir, unless such property is by will otherwise bequeathed, may secure transfer of the certificate of ownership and the certificate of registration of the deceased, in and to such motor vehicle in the name of the surviving husband or wife or other heir, as above mentioned, upon filing with the registrar an affidavit of such person setting forth the fact of survivorship and the name and address of any other heirs and such other facts as are hereby made necessary to entitle the affiant to a transfer and thereupon the registrar is authorized to make

such transfer of the certificate of ownership and certificate of registration, subject to all contracts, leases, mortgages, or other liens as shown by his records.

(6) Nothing in the foregoing subdivision of this section shall prevent any conditional sales vendor, mortgagee, or other lienor from assigning his interest or title in or to a motor vehicle registered under the provisions of this act to any other person without the consent of and without effecting the interest of the holder of the certificate of ownership and certificate of registration. Upon any conditional sales vendor, mortgagee, or other lienor assigning his interest in any motor vehicle registered under this act a copy of such assignment must be filed with the registrar and record thereof made upon his records.

~~(d)~~ (7) Every person who transfers any motor vehicle to a junk dealer for the purpose of scrapping said vehicle shall so notify the registrar and deliver the certificate of ownership and certificate of registration to the registrar for cancellation."

Section 2. Section 53-109.1, R.C.M. 1947, is amended to read as follows:

"53-109.1. Used motor vehicles — transfer to and from dealers. The provisions of ~~subdivision (b) of section~~ 53-109(2) shall not apply in the event of the transfer of a

motor vehicle to a duly licensed automobile dealer intending to resell such vehicle and who operates the same only for demonstration purposes. In such cases, the dealer shall not be required to make application for a new certificate of ownership or for registration during the period of his ownership of said vehicle, but upon his transfer of ownership thereof to a person other than a licensed motor vehicle dealer, the following acts shall be required of the dealer on or before the times herein set forth:

(1) Prior to his delivery of the vehicle to the purchaser, the dealer shall issue and affix to the rear window of said vehicle a sticker in form to be prescribed by the registrar, and containing the name and address of the purchaser, date of sale, name and address of the dealer, and a description of the vehicle, including its serial number. There shall be imprinted upon said sticker in bold letters the following statement: "IT IS UNLAWFUL TO PLACE LICENSE PLATES UPON THIS VEHICLE UNTIL REGISTERED AT THE OFFICE OF THE COUNTY TREASURER." One copy of said sticker shall be delivered by the dealer to the county treasurer in the manner prescribed in subsection (2) hereof, and a copy shall be retained by the dealer for his file.

(2) Within ~~three (3)~~ days following the date of delivery of said vehicle, the dealer shall forward to the county treasurer of the county where the purchaser resides,

the certificate of ownership and certificate of registration (if the same are then in his possession), with an application for registration executed by the new owner in accordance with the provisions of ~~section~~ 53-107, and a copy of the sticker affixed to said vehicle by the dealer, and the registrar, upon receipt of said documents from the county treasurer, together with the conditional sales contract or other lien, if any, shall issue a new certificate of ownership and certificate of registration together with a statement of any conditional sales contract, mortgage, or other lien as provided in said ~~section~~ 53-107. Transmission of said documents by the dealer to the county treasurer may be accomplished either by personal delivery or by first class mail, in which event they shall be deemed to have been delivered at the time of mailing.

(3) If the dealer is unable to forward the certificate of ownership and/or certificate of registration within the time set forth in subsection (2) hereof, because the same are lost, are in the possession of third parties, or are in process of reissuance in this state or elsewhere, he shall comply in all other respects with the provisions of ~~said~~ subdivision (2) and shall forward the missing document or documents to the county treasurer, either personally or by first class mail, within ~~three (3)~~ days after their receipt.

Upon compliance by the dealer with the requirements set

forth in this section, title to said motor vehicle shall be deemed to have passed to the purchaser as of the date of the delivery of said vehicle to him by the dealer, and the dealer shall have no further liability or responsibility with respect to the processing of registration."

Section 3. Section 53-109.4, R.C.M. 1947, is amended to read as follows:

"53-109.4. Grace period -- penalty. Any purchaser of a new or used motor vehicle from a duly licensed motor vehicle dealer shall have the grace period of ~~ten (10)~~ 20 calendar days from the date of purchase to make application for registration and to obtain registration plates, and it shall not be a violation of this chapter or any other law for such purchaser to operate such vehicle upon the streets and highways of this state without a certificate ~~or~~ of registration and registration plates during the ~~said ten (10) day~~ 20-day period; provided that at all times during said period the sticker issued by the dealer at the time of purchase shall remain affixed to said vehicle as provided in section 3 [53-109.1]. Failure to make such application within the time provided herein ~~shall subject~~ subjects the purchaser to a penalty of ~~ten dollars ($10), plus one dollar ($1) for each additional day in which said vehicle remains unregistered, not to exceed twenty five dollars ($25), said~~ $15. The penalty is to be collected by the county treasurer

at the time of registration~~,~~ and is in addition to the fees otherwise provided by law."

Section 4. Section 53-147, R.C.M. 1947, is amended to read as follows:

"53-147. New registration required for transferred vehicle — grace period — penalty — display of proof of purchase. Except as otherwise provided herein, the new owner of the transferred motor vehicle shall have the grace period of ~~ten (10)~~ 20 calendar days from the date of purchase to make application and pay the registration fees and taxes as provided by ~~section~~ 53-114, as if the same was being registered for the first time in that registration year~~,~~ ~~and, provided.~~ If the motor vehicle was not purchased from a duly licensed motor vehicle dealer as provided in this chapter, it shall not be a violation of this chapter or any other law for the purchaser to operate the vehicle upon the streets and highways of this state without a certificate of registration during the ~~ten (10) day~~ 20-day period; provided, ~~however,~~ that at all times during that period a bill of sale or other proof of purchase reciting the date of purchase shall be clearly displayed in the rear window of the motor vehicle at all times. Failure to make application within the time provided herein shall subject the purchaser to a penalty of ~~ten dollars ($10), plus one dollar ($1) for each additional day in which the vehicle remains~~

~~unregistered, not to exceed twenty five dollars ($25)~~ $15. The penalty shall be collected by the county treasurer at the time of registration~~,~~ and shall be in addition to the fees otherwise provided by law."

-End-

HOUSE BUSINESS AND INDUSTRY COMMITTEE

April 1, 1977

The meeting was called to order at 10:15 a.m., in Room 431 with all members present with the exception of Rep. Bradley, who was excused.

The hearing began with Senate Bill No. 125. Sen. Regan, chief sponsor stated that bonds, generally speaking, simply do not perform the function which they were originally intended to do. Bonds are suppose to be a protection to the consumer, but research finds they do not do the job.

Proponents:

Mr. Ed Carney stated that it was a step forward for the drafting of this bill. During four and one-half years he had been working with people affected by this bill in which he had not seen any attempt wher the bond actually protected the public. He stated that an amount of $150,000 per year was spent on this bonding. He also said that the bonding requirement is preventing many young people from getting into business. Mr. Floyd Oliver stated he had not received a claim on a bc

Opponents:

Mr. Glen Drake stated that the Insurance Association consists of 80 stock companies and includes groups of people doing bonding work. The bill as originally written, provided for a fund to be created which would take the place of the bond. Bonding requirements are created for the protection of the public. He said that the bonding requiremer are taking away all protection.

Mr. Bob Durand stated that if this bill goes through there would be no protection for the public. He said he thought that a bonding company would be interested in issuing bonds in Montana.

Mr. Boyce Clarke stated that some license bonds are strictly underwritten. Bonding companies should be permitted to bond. This bill would harm the consumer.

Sen. Regan stated in closing that in the last 4 years there has not be a single bond used for this. One could not get any of the trades bonded. The question about the consumer protection was raised. She stated that if a person feels he has suffered damages, he can apply to the county attorney.

Senate Bill No. 329 was discussed. Sen. Roskie, sponsor, stated that when there is an inadequacy in the law, it should be contended with. He gave a brief explanation of the bill. He also stated that it is almost impossible to receive a license one year at a time (testimony attached).

Mr. Marty Crennan, proponent, stated that the bill originated due to inadequacies. It will provide some teeth and gives better power in responding to complaints which they had received.

HOUSE BUSINESS AND INDUSTRY COMMITTEE

April 6, 1977

The meeting was called to order at 10:40 a.m., in Room 431. All members were present with the exception of Rep. Fagg who was absent.

Chairman Vincent stated that Senate Bill No. 206 was involved with a procedural question. The committee had indefinitely postponed the bi then voted to bring it back on the table. That motion was defeated. Chairman Vincent asked the committee to comment on what they should do with the bill. Rep. Kenny said he believed the committee should keep the bill indefinitely postponed. Rep. Harper said someone from the floor could blast it out of the committee rather than taking acti on the bill in the committee. The bill was left as indefinitely postponed.

Rep. Harper moved that Senate Bill No. 107 BE CONCURRED IN. The moti was carried with 10 members voting yes, 6 members voting no (attached

Rep. Scully moved that Senate Bill No. 125 BE CONCURRED IN. Rep. Tro pila made a substitute motion that Senate Bill No. 125 be amended. He proposed to amend the title, line 13, following, "SECTIONS 66-1934 insert, "41-2005,". Also, on page 7, line 24, following, "Sections 66-1934", insert, "41-2005,". The motion was carried with 8 members voting yes, 7 members voting no (attached). Rep. Tropila moved that Senate Bill No. 125 BE CONCURRED IN AS AMENDED. The motion carried with all members present voting yes, with the exception of Rep. Harpe and Rep. Bradley who voted no.

Rep. Aageson moved that Senate Bill No. 245 BE CONCURRED IN. Rep. Quilici made a substitute motion to adopt an amendment. He proposed to amend page 3, line 10, following, "approve", strike, "an increase" and inserting, "increases". The motion was carried with 11 members voting yes, and 5 members voting no (attached). Rep. Scully moved that Senate Bill No. 245 BE CONCURRED IN AS AMENDED. The motion pass unanimously.

Rep. Harper moved that Senate Bill No. 329 BE CONCURRED IN. Rep. Fabrega made a substitute motion to amend the title, line 12, followi "ARCHITECTURE, AND", strike, "DELETE", and insert, "REVISE". The substitute motion passed with all members voting yes, with the except of Rep. Scully who voted no. Rep. Harper moved that Senate Bill No. BE CONCURRED IN AS AMENDED. The motion was carried with all members present voting yes, with the exception of Rep. Nathe who voted no.

Rep. Tropila moved that Senate Bill No. 362 BE NOT CONCURRED IN. The motion passed with all members present voting yes, with the exception of Rep. Scully and Rep. Harper who voted no.

Rep. Pistoria spoke on House Bill No. 446. House Bill No. 238 was defeated in the Senate, therefore, Rep. Pistoria felt a strong need for this bill to be taken off the table and be recommended do pass. Rep. Fabrega moved that House Bill No. 446 be taken off the table and recommended DO PASS. The motion carried with 10 members voting yes, and 5 members voting no (attached).

BUSINESS AND INDUSTRY VOTING RECORD

April 6, 1977

	SB 107 BE CONCUR-RED IN	SB 125 Amendment	SB 245 Amendment	HB 446 As Amended DO PASS
Aageson	YES	YES	NO	NO
Bradley	YES	NO	YES	EXCUSED
Burnett	YES	NO	NO	YES
Ellison	NO	YES	YES	NO
Fabrega	YES	YES	NO	YES
Fagg	ABSENT	ABSENT	ABSENT	ABSENT
Harper	YES	NO	YES	YES
Harrington	NO	NO	YES	YES
Kenny	NO	YES	YES	YES
Metcalf	YES	NO	NO	NO
Nathe	NO	YES	YES	YES
Quilici	NO	YES	YES	YES
Scully	YES	YES	YES	NO
Shelden	YES	NO	YES	YES
Tower	YES	YES	NO	NO
Tropila	NO	YES	YES	YES
Vincent	YES	NO	YES	YES
	10 YES 6 NO	9 YES 7 NO	11 YES 5 NO	10 YES 5 NO

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
January 22, 1977

The meeting of this committee was called to order at 9:30 a.m. by Senator Turnage, Chairman, in Room 442 of the State Capitol Building on the above date.

ROLL CALL:

All members of the committee were present with the exception of Senator Roberts who was excused.

WITNESSES PRESENT TO TESTIFY:

H. S. "Sonny" Hanson - Montana Technical Council
William Scribner - Montana Society of C.P.A.'s
Al Dougherty - Montana Chiropractic Association
Sharon Dieziger - Montana Nurses Association
Cliff Christian - Montana Association of Realtors
Chad Smith - Montana Hospital Association
Rod Gudgel - Montana State Pharmaceutical Association
Ed Carney, Director - Department of Professional and Occupational Licensing

CONSIDERATION OF SENATE BILL 125:

Senator Pat Regan, District 31, sponsor of this bill, said that the interim study committee, in looking at the whole question of licensing, decided that the Department of Professional and Occupational Licensing had a problem regarding bonds. She told the committee that the consumer may file a complaint against the licensee with the board in this bill, and that the department may pay the damages to the consumer and then an attorney could take it to the courts to get reimbursement for the department from the licensee. She explained the bill section by section.

At this time, Ed Carney, Director of the Department of Professional and Occupation Licensing, introduced himself and told the committee that he feels that S.B. 125 should be amended.

The Chairman then called for proponents of the bill. There being none present, the opponents were called upon for their testimony.

The first opponent was H. S. "Sonny" Hanson, representing the Montana Technical Council, who told the committee that he felt his group should not be included in this bill. He pointed out three things to the committee, namely, 1. A regulatory board cannot review a fellow associate's performance without letting personal feelings enter into it; 2. H.B. 65 provides a law judge to hear complaints which is a better approach; 3. Questioned the insurance - a policy on a firm with a $10,000 deductible may not be covered.

The next opponent testifying was William Scribner, a Helena attorney representing the Montana Society of C.P.A.'s, who said that his views are essentially the same as Sonny Hanson's on this bill. Mr. G. B. Carlson of the Montana Society of C.P.A's was also present but did not comment on S.B. 125. Mr. Scribner said that he would like the committee to delay consideration until he can obtain a concensus of the feelings of their society members.

Al Dougherty, Helena attorney representing the Montana Chiropractic Association, said that they would endorse the views of the first two opponents.

Rod Gudgel, representing the Montana State Pharmaceutical Association, said that his association has the same views as the previous opponents.

Sharon Dieziger, representing the Montana Nurses Association, also agreed with the views of the previous opponents.

Cliff Christian, representing the Montana Association of Realtors, questioned the bill in several places. He said that he felt the district court appeals should be longer than 30 days, and, regarding section 5, he questioned the good faith effort of paying which it referred to, and said that the trouble with the department paying the bills would be that those paying would be subsidizing the unscrupulous who don't pay. He also believes there is a problem with the funds accumulated and sees a laxity in the awards. He suggested that, after a reasonable time, perhaps the excess moneys could be returned to the Board and earmarked for education.

Chad Smith was the next opponent testifying. He represents the Montana Hospital Association. He said that we already have a system of adjudication in every county and this would be a duplication. He added that they feel that it will be a cost to the state if section 7 is kept in S.B. 125. He further told the committee that what "injury" means may take a court interpretation, and he also questioned prima facie evidence.

Ed Carney, Director of the Department of Professional and Occupational Licensing, said that he thinks the legislature should away with the bonding feature if it is going to apply to all those covered by the bill. However, he said the bill should only cover those who are presently bonded, such as the abstractors, plumbers, well builders, etc..

At this time, there being no further business before the committee, they adjourned at 11:00 a.m.

Jean A. Turnage

SENATOR JEAN A. TURNAGE, Chairman

ROLL CALL

JUDICIARY COMMITTEE

45th LEGISLATIVE SESSION - - 1977 Date 1-22-77

NAME	PRESENT	ABSENT	EXCUSED
TURNAGE, Jean, Chairman	✓		
ROBERTS, Joe, Vice-Chairman	✓		✓
MURRAY, William	✓		
OLSON, Stuart	✓		
LENSINK, Everett	✓		
REGAN, Pat	✓		
TOWE, Tom	✓		
WARDEN, Margaret	✓		

Each day attach to minutes.

NAME: H S. Hanson DATE: 1/22/77

ADDRESS: Holiday Motel

PHONE: 442-1770

REPRESENTING WHOM? Mont. Technical Council

APPEARING ON WHICH PROPOSAL: SB-125

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS:

1) A Reg. Board can not review a fellow associate's performance with out letting personal feeling enter into it.

2) HB 65 - Provides a law judge to hear complaints which is a better approach

3) Question the universes - a policy on a dwlg with a $10,000 deductible may not be carried because of the $500 limit.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Al Dougherty DATE: 22 Jan 1977

ADDRESS: Helena

PHONE: 442-1440

REPRESENTING WHOM? Montana Chiropractic Association

APPEARING ON WHICH PROPOSAL: SB 125

DO YOU: SUPPORT? _____ AMEND? X OPPOSE? If not amended then oppose

COMMENTS:

If bill is amended so that only those professions or licensed trades which are required to be bonded are subject to the bill, then the Chiropractic Association will withdraw its opposition.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Red Gaedgel DATE: 1/25/77

ADDRESS: Box 908

PHONE: 442-1432

REPRESENTING WHOM? MNHA, MSPA, MDA + MFDA

APPEARING ON WHICH PROPOSAL: SB 125

DO YOU: SUPPORT? _____ AMEND? X OPPOSE? _____

COMMENTS: The bill should not apply to professions or occupations for which no bonding requirement now exists

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Sharon Metzger DATE: 1/30/97

ADDRESS: 3604 5th Ave So Gt. Falls, Montana

PHONE: 453-1525

REPRESENTING WHOM? Mont. Nurses Assoc.

APPEARING ON WHICH PROPOSAL: SB 125

DO YOU: SUPPORT? _____ AMEND? ✓ OPPOSE? If not amended oppose

COMMENTS: If bill is ammended to include these professions that require bonding we would have no opposition.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Ed Gaudy DATE: 1-22-97

ADDRESS: Helena Mt

PHONE:

REPRESENTING WHOM? Dept of P.S.L.

APPEARING ON WHICH PROPOSAL: SB 125

DO YOU: SUPPORT? _____ AMEND? ✓ OPPOSE? _____

COMMENTS: only include those licensees given authority by law or Rule

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

COMMITTEE ON Judiciary BILL NO. [illegible]

VISITOR'S REGISTER

NAME		REPRESENTING	Check Here If You Want To Testify
H S Harper	✓	Mont. Team Council	
Jerry Seibel	✓	Mont. Society of CPAs	
J. R. Carlson	✓	Mt. Society of CPA's	
Tom Collins		Mt. Association of Realtors	
[illegible] Haughertey	✓	Montana Chiropractic Association	
Ed Carney	✓	Dept of P.S.L.	✓
[illegible]	✓	[illegible]	
Rod Gudgel	✓	MSPA, MNHA, MCA + MEDA	
[illegible] Dunga	✓	Mont. [illegible] Assoc.	
[illegible]	✓	Mont Hospital Assn	

(Please leave prepared statement with Secretary.)

Dennis Haddow of the Air Quality Bureau, S.D.H.E.S., said that they have a couple of questions. He testified that his department gives out approximately 15,000 permits a year and that the state foresters and forest service only issue permits during certain months of the year. He said further that they do not require incident by incident permits and that the administrative rule applies statewide. The main purpose of the bill is so the fire fighters know there is a fire being burned.

Since there were no opponents present, the committee members were allowed to ask questions of the witnesses. The Chairman said this resolution would be taken under advisement.

DISPOSITION OF SENATE BILL 125:

Senator Lensink moved that S.B. 125 DO NOT PASS. The motion carried unanimously.

There being no further business at this time, the committee adjourned at 11:15 a.m..

Jean A. Turnage

SENATOR JEAN A. TURNAGE, Chairman

ROLL CALL

JUDICIARY COMMITTEE

45th LEGISLATIVE SESSION - - 1977 Date 2-21-77

NAME	PRESENT	ABSENT	EXCUSED
TURNAGE, Jean, Chairman	✓		
ROBERTS, Joe, Vice-Chairman	✓ 10:40		
MURRAY, William	✓		
OLSON, Stuart	✓		
LENSINK, Everett	✓		
REGAN, Pat	✓		
TOWE, Tom	✓		
WARDEN, Margaret	✓ Ex @ 10:00		

considered by the committee.

DISPOSITION OF SENATE BILL 125:

Senator Towe moved to reconsider the DO NOT PASS recommendation previously made on this bill by this committee on February 21, 1977. The motion carried unanimously. He then moved to adopt the attached amendments to S.B. 125. The motion carried unanimously. Senator Towe then moved that S.B. 125 as amended DO PASS. The motion carried unanimously. (See attachment #1)

CONSIDERATION OF HOUSE BILL 53:

Diana Dowling, the Code Commissioner of the Legislative Council, representing Rep. Marks who could not be present, explained that this bill was to correct an error in the law.

Senator Towe moved that H.B. 53 BE CONCURRED IN. The motion carried unanimously.

CONSIDERATION OF HOUSE BILL 36:

Diana Dowling explained that this bill had been done by a summer law school intern because they had found that laws were not consistent in regard to creed or religion, and they have made that standard now throughout the codes. They also cleared up Title 64 in regard to national origin including ancestry. This bill is just to make laws on discrimination standard.

Senator Towe moved that H.B. 36 BE CONCURRED IN. The motion carried unanimously.

There being no further business before the committee at this time, the committee adjourned at 10:50 a.m..

SENATOR JEAN A. TURNAGE, Chairman

ROLL CALL

JUDICIARY COMMITTEE

45th LEGISLATIVE SESSION - - 1977 Date 2-21-77

NAME	PRESENT	ABSENT	EXCUSED
TURNAGE, Jean, Chairman	✓		
ROBERTS, Joe, Vice-Chairman			✓
MURRAY, William	✓		
OLSON, Stuart	✓		
LENSINK, Everett	✓		
REGAN, Pat	✓		
TOWE, Tom	✓		
WARDEN, Margaret			✓

(Attach #1)

Respectfully report as follows: That ..... SENATE ..... Bill No. 125

introduced bill, be amended as follows:

1. Amend title, lines 4 through 10.
Following: "TO"
Strike: lines 4 through 10 in their entirety
Insert: "ELIMINATE"

2. Amend title, line 11.
Following: "REQUIREMENTS"
Insert: "FOR CERTAIN PROFESSIONS AND OCCUPATIONS"

3. Amend title, line 12.
Following: "SECTIONS"
Strike: "66-1934"
Insert: "66-1933"

4. Amend page 1, line 17 through line 4 on page 4.
Following: line 16
Strike: Sections 1 through ~~IX~~ 8 in their entirety
~~RENUMBER~~ SUBSEQUENT SECTIONS

5. Amend page 6, line 25
Following: "fees"
Strike: "-bond required of master plumbers."

6. Amend page 7, section 12, line 23
Following: "Sections"
Strike: "66-1934"
Insert: "66-1933"

HB 0125/04

HOUSE BILL NO. 125

INTRODUCED BY WALDRON, UHDE, COURTNEY, J. GUNDERSON, PALMER, LYNCH, COONEY, KESSLER, UNDERDAL, LORY, ELLIS

A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE GRACE PERIOD FOR THE REGISTRATION OF MOTOR VEHICLES FROM 10 TO 20 DAYS; TO EXTEND THE TIME ALLOWED FOR A DEALER TO FORWARD REGISTRATION PAPERS; AND TO CHANGE THE FINE FOR FAILURE TO COMPLETE REGISTRATION DURING THE GRACE PERIOD FROM A GRADUATED SCALE TO A FIXED FINE OF ~~$15~~ $10; AMENDING SECTIONS 53-109, 53-109.1, 53-109.4, AND 53-147, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-109, R.C.M. 1947, is amended to read as follows:

"53-109. Transfer of title or interest. ~~(a)~~(1) Upon a transfer of any title or interest of an owner ~~or owner~~ in or to a motor vehicle registered under the provisions of this act as hereinbefore required, the person ~~or persons~~ whose title or interest is to be transferred shall write ~~their~~ his ~~signatures~~ signature with pen and ink upon the certificate of ownership issued for such vehicle, in the appropriate space provided upon the reverse side of such certificate, and such signature shall be acknowledged before a notary public.

~~(b)~~(2) Within ~~ten (10)~~ 20 calendar days thereafter, the transferee shall forward both the certificate of ownership so endorsed and the certificate of registration, together with the information required under ~~section~~ 53-107, to the county treasurer, who shall forward the same to the registrar, and no certificate of ownership and certificate of registration ~~shall~~ may be issued by the registrar of motor vehicles until the outstanding certificates are surrendered to that office or their loss established to his reasonable satisfaction. ~~Failure WHEN TRANSFEROR IS A LICENSED DEALER, FAILURE~~ FAILURE to make such application within the ~~time provided herein shall subject~~ 20-day grace period subjects the transferee to a penalty of ~~ten dollars ($10) plus one dollar ($1) for each additional day in which said vehicle remains unregistered, not to exceed twenty-five dollars ($25), said $15~~ $10. The penalty is to be collected by the county treasurer at the time of registration, and is in addition to the fees otherwise provided by law.

~~(c)~~(3) In the event of a transfer by operation of law of any title or interest of an owner of the legal title or owner in and to a motor vehicle as upon inheritance, devise, or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in the performance of the terms of a lease or executory sales contract, or otherwise

than by voluntary act of the person whose title or interest is so transferred, the executor, administrator, receiver, trustee, sheriff or other representative or successor in interest of the person whose title or interest is so transferred shall forward to the registrar of motor vehicles an application for registration in the form required for an original application for registration, together with a verified or certified statement of the transfer of such title or interest which statement shall set forth the reason for such involuntary transfer, the title or interest so transferred, the name or names of the person or persons to whom such title or interest is to be transferred, the process of procedure effecting such transfer, and such other information as may be requested by the registrar and with such statement shall be furnished such evidence and instruments as may otherwise be required by law to effect a transfer of legal or equitable title to or an interest in chattels as may be required in such cases, and in the event the registrar shall be satisfied that such transfer is regular and that all formalities as required by law have been complied with, he shall cause to be sent to the owner, conditional sales vendors, lessors, mortgagees, and other lienors, as shown by his records notice of such intended transfer and thereafter, but not less than ~~five (5)~~ days thereafter, shall register such motor vehicle and shall

issue a new certificate of ownership and certificate of registration to the person or persons entitled thereto. The notice herein required shall be deemed complied with by deposit in the post office in Deer Lodge, Montana, such notice postage prepaid, addressed to such person or persons at the respective addresses shown on his records.

(4) When the vehicle title that is involuntarily transferred is not registered in this state the procedure set forth above must be followed in applying for a new certificate of ownership and certificate of registration, but the registrar need not send notice of intended transfer and shall issue a new certificate of ownership and a new certificate of registration to the person entitled thereto.

(5) In the event of the death of an owner of one or more motor vehicles and/or trailer, and/or semitrailer, and/or trailer-house registered hereunder and not exceeding the value of ~~four thousand dollars ($4,000)~~, without leaving other property necessitating the procuring of letters of administration or letters testamentary, then the surviving husband or wife, or other heir, unless such property is by will otherwise bequeathed, may secure transfer of the certificate of ownership and the certificate of registration of the deceased, in and to such motor vehicle in the name of the surviving husband or wife or other heir, as above mentioned, upon filing with the registrar an affidavit of

such person setting forth the fact of survivorship and the name and address of any other heirs and such other facts as are hereby made necessary to entitle the affiant to a transfer and thereupon the registrar is authorized to make such transfer of the certificate of ownership and certificate of registration, subject to all contracts, leases, mortgages, or other liens as shown by his records.

(6) Nothing in the foregoing subdivision of this section shall prevent any conditional sales vendor, mortgagee, or other lienor from assigning his interest or title in or to a motor vehicle registered under the provisions of this act to any other person without the consent of and without effecting the interest of the holder of the certificate of ownership and certificate of registration. Upon any conditional sales vendor, mortgagee, or other lienor assigning his interest in any motor vehicle registered under this act a copy of such assignment must be filed with the registrar and record thereof made upon his records.

~~(d)~~(7) Every person who transfers any motor vehicle to a junk dealer for the purpose of scrapping said vehicle shall so notify the registrar and deliver the certificate of ownership and certificate of registration to the registrar for cancellation."

Section 2. Section 53-109.1, R.C.M. 1947, is amended

to read as follows:

"53-109.1. Used motor vehicles -- transfer to and from dealers. The provisions of ~~subdivision (b) of section~~ 53-109(2) shall not apply in the event of the transfer of a motor vehicle to a duly licensed automobile dealer intending to resell such vehicle and who operates the same only for demonstration purposes. In such cases, the dealer shall not be required to make application for a new certificate of ownership or for registration during the period of his ownership of said vehicle, but upon his transfer of ownership thereof to a person other than a licensed motor vehicle dealer, the following acts shall be required of the dealer on or before the times herein set forth:

(1) Prior to his delivery of the vehicle to the purchaser, the dealer shall issue and affix to the rear window of said vehicle a sticker in form to be prescribed by the registrar, and containing the name and address of the purchaser, date of sale, name and address of the dealer, and a description of the vehicle, including its serial number. There shall be imprinted upon said sticker in bold letters the following statement: "IT IS UNLAWFUL TO PLACE LICENSE PLATES UPON THIS VEHICLE UNTIL REGISTERED AT THE OFFICE OF THE COUNTY TREASURER." One copy of said sticker shall be delivered by the dealer to the county treasurer in the manner prescribed in subsection (2) hereof, and a copy shall

be retained by the dealer for his file.

(2) Within ~~three (3)~~ 4 WORKING days following the date of delivery of said vehicle, the dealer shall forward to the county treasurer of the county where the purchaser resides, the certificate of ownership and certificate of registration (if the same are then in his possession), with an application for registration executed by the new owner in accordance with the provisions of ~~section~~ 53-107, and a copy of the sticker affixed to said vehicle by the dealer, and the registrar, upon receipt of said documents from the county treasurer, together with the conditional sales contract or other lien, if any, shall issue a new certificate of ownership and certificate of registration together with a statement of any conditional sales contract, mortgage, or other lien as provided in said ~~section~~ 53-107. Transmission of said documents by the dealer to the county treasurer may be accomplished either by personal delivery or by first class mail, in which event they shall be deemed to have been delivered at the time of mailing.

(3) If the dealer is unable to forward the certificate of ownership and/or certificate of registration within the time set forth in subsection (2) hereof, because the same are lost, are in the possession of third parties, or are in process of reissuance in this state or elsewhere, he shall comply in all other respects with the provisions of ~~said~~

subdivision (2) and shall forward the missing document or documents to the county treasurer, either personally or by first class mail, within ~~three (3)~~ days after their receipt.

Upon compliance by the dealer with the requirements set forth in this section, title to said motor vehicle shall be deemed to have passed to the purchaser as of the date of the delivery of said vehicle to him by the dealer, and the dealer shall have no further liability or responsibility with respect to the processing of registration."

Section 3. Section 53-109.4, R.C.M. 1947, is amended to read as follows:

"53-109.4. Grace period -- penalty. Any purchaser of a new or used motor vehicle from a duly licensed motor vehicle dealer shall have the grace period of ~~ten (10)~~ 20 calendar days from the date of purchase to make application for registration and to obtain registration plates, and it shall not be a violation of this chapter or any other law for such purchaser to operate such vehicle upon the streets and highways of this state without a certificate ~~or~~ of registration and registration plates during the ~~said ten (10)-day~~ 20-day period; provided that at all times during said period the sticker issued by the dealer at the time of purchase shall remain affixed to said vehicle as provided in section 3 [53-109.1]. Failure to make such application within the time provided herein ~~shall subject~~ subjects the

purchaser to a penalty of ~~ten dollars ($10), plus one dollar ($1) for each additional day in which said vehicle remains unregistered, not to exceed twenty five dollars ($25), said $15~~ $10. The penalty is to be collected by the county treasurer at the time of registration, and is in addition to the fees otherwise provided by law."

Section 4. Section 53-147, R.C.M. 1947, is amended to read as follows:

"53-147. New registration required for transferred vehicle -- grace period -- penalty -- display of proof of purchase. Except as otherwise provided herein, the new owner of the transferred motor vehicle shall have the grace period of ~~ten (10)~~ 20 calendar days from the date of purchase to make application and pay the registration fees and taxes as provided by ~~section~~ 53-114, as if the same was being registered for the first time in that registration year~~, and provided~~. If the motor vehicle was not purchased from a duly licensed motor vehicle dealer as provided in this chapter, it shall not be a violation of this chapter or any other law for the purchaser to operate the vehicle upon the streets and highways of this state without a certificate of registration during the ~~ten (10) day~~ 20-day period; provided, ~~however,~~ that at all times during that period a bill of sale or other proof of purchase reciting the date of purchase shall be clearly displayed in the rear window of

the motor vehicle at all times. Failure to make application within the time provided herein shall subject the purchaser to a penalty of ~~ten dollars ($10), plus one dollar ($1) for each additional day in which the vehicle remains unregistered, not to exceed twenty five dollars ($25)~~ ~~$15~~ $10. The penalty shall be collected by the county treasurer at the time of registration, and shall be in addition to the fees otherwise provided by law."

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